

Message Text

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DRAFTED BY EB/CBA/BP:RJBUSHNELL:VJW

APPROVED BY EB/CBA/BP:HJWINTER

ARA/BR - JSLATTERY (PHONE)

L/EB - MSPIEGEL (DRAFT)

JUSTICE - DROSENTHAL (SUBS)

----- 107978

R 292216Z APR 74

FM SECSTATE WASHDC

TO AMCONSUL RIO DE JANEIRO

INFO AMEMBASSY BRASILIA

AMCONSUL SAO PAULO

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E.O. 11652: N/A

TAGS: ETRD, BR

SUBJECT: ANTITRUST: ALLEGED CARTEL IN BRAZILIAN

ELECTRICAL INDUSTRY

REF: RIO DE JANEIRO 1396

1. JUSTICE DEPT APPRECIATES DETAILED REPORT CONTAINED REFTTEL CONCERNING ALLEGATION THAT U.S. FIRMS AND FOREIGN MULTINATIONAL CORPORATIONS HAVE CONSPIRED TO CONTROL VARIOUS ELEMENTS OF BRAZIL'S FOREIGN AND DOMESTIC TRADE IN HEAVY ELECTRICAL EQUIPMENT. JUSTICE HAS CONFERRED WITH MR. MIROW, AND HAS AGREED TO TAKE STEPS TO PROTECT THE CONFIDENTIALITY OF HIS TESTIMONY.

2. ACTION REQUESTED: IN ORDER TO EVALUATE ALLEGATIONS BY MIROW AND OTHERS CONCERNING THIS POSSIBLE ELECTRICAL EQUIPMENT CARTEL, JUSTICE WOULD APPRECIATE ANY INFORMATION WHICH CAN BE COLLECTED DISCREETLY AND WITHIN NEXT FEW DAYS

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ON FOLLOWING QUESTIONS:

(A) IN ADDITION TO INFORMATION INCLUDED REFTEL, WHAT LED CONSULATE REPORTING OFFICER TO CONCLUDE IN LAST SENTENCE OF SUMMARY THAT QTE THESE DISCUSSIONS, HOWEVER, HAVE NOT REVEALED ANY SIGNIFICANT SUBSTANCE OR EVIDENCE TO SUPPORT THE ALLEGATIONS UNQTE ?

(B) REPORTEDLY, THE ORGANIZATION THROUGH WHICH THE CARTEL IS TO EXERCISE CONTROL IS THE BRAZILIAN RESEARCH INSTITUTE ON THE DEVELOPMENT OF EXPORTS OF HEAVY ELECTRICAL EQUIPMENT, WHOSE LAST KNOWN BUT INCOMPLETE ADDRESS WAS RUA FLORENCIO DE ABREU, 157, 8TH FLOOR, ANNEX 802, IN EITHER SAO PAULO, RIO DE JANEIRO, OR BRASILIA. (1) WHAT IS KNOWN ABOUT NATURE AND ACTIVITIES OF THE ORGANIZATION? (2) WHAT DOES BRAZILIAN LAW SAY WITH RESPECT TO REGISTRATION AND OPERATION OF EXPORT CARTELS? (3) IF THERE IS A REGISTRATION PROVISION, IS THIS ORGANIZATION REGISTERED? IF SO, THE REGISTRATION DOCUMENTS WOULD BE A GOOD SOURCE OF INFO FOR JUSTICE DEPT, EVEN THOUGH THERE MAY BE DISCREPANCY BETWEEN CLAIMED AND ACTUAL ACTIVITIES OF THE GROUP. (4) HAVE ANY SUBSIDIARIES OF U.S. FIRMS JOINED THE ASSOCIATION, AND IF SO, WHICH ONES?

3. IT WOULD ALSO BE HELPFUL IF CONSULATE WOULD FORWARD COPIES OF ANY DOCUMENTS (PARA 4, REFTEL) WHICH YOU CONSIDER PERTINENT. RUSH

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